

By: Fletcher

H.B. No. 3929

Substitute the following for H.B. No. 3929:

By: White of Tyler

C.S.H.B. No. 3929

A BILL TO BE ENTITLED

AN ACT

relating to the use of automatic license plate reader systems;
creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0094 to read as follows:

Sec. 411.0094. AUTOMATIC LICENSE PLATE READER SYSTEM. (a)

In this section:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers to enforce criminal laws.

(2) "Automatic license plate reader system" means a system of one or more mobile or fixed high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.

(3) "Captured plate data" means global positioning system coordinates, dates and times, photographs, license plate numbers, and all other data collected by an automatic license plate reader system.

(b) A law enforcement agency may use images and all related captured plate data produced by an automatic license plate reader system for the following law enforcement purposes:

(1) detecting or investigating a criminal offense;

(2) detecting or investigating a criminal violation of

1 a traffic law or vehicle compliance;

2 (3) investigating a report of a missing person; or

3 (4) investigating threats related to terrorism.

4 (5) in conjunction with an administrative hearing by a
5 law enforcement agency under the law enforcement agency's
6 administrative rules.

7 (6) crime analysis; or

8 (7) any other legitimate law enforcement purpose.

9 (c) The department and each law enforcement agency that uses
10 an automatic license plate reader system by rule or policy shall
11 establish an automatic license plate reader records retention
12 database to retain captured plate data.

13 (d) The department and each law enforcement agency that uses
14 an automatic license plate reader system shall adopt rules or
15 policies governing the use of the system, including rules:

16 (1) governing which law enforcement personnel may
17 search captured plate data;

18 (2) establishing an audit process to ensure that
19 captured plate data is used only for the law enforcement purposes
20 described by Subsection (b); and

21 (3) establishing procedures and safeguards to ensure
22 that law enforcement personnel with access to the automatic license
23 plate reader database are adequately screened and trained.

24 (e) Not later than January 31 of each year, each law
25 enforcement agency that uses a license plate reader system shall
26 submit a report for the preceding calendar year to the department
27 regarding:

1 (1) the total number of automatic license plate reader
2 system units that are used by the law enforcement agency;

3 (2) the number of automatic license plate reader
4 system readings made by the law enforcement agency; and

5 (3) a list of audits completed by the law enforcement
6 agency.

7 (f) Not later than September 1 of each year, the department
8 shall submit a report for the preceding calendar year to the
9 legislature that includes:

10 (1) the number of automatic license plate reader
11 system readings retained in the automatic license plate reader
12 system database;

13 (2) the number of requests for captured plate data
14 made to the department, including:

15 (A) the total number of requests and the number
16 of requests that resulted in a release of information;

17 (B) the total number of out-of-state requests and
18 the number of out-of-state requests that resulted in a release of
19 information; and

20 (C) the total number of federal requests and the
21 number of federal requests that resulted in a release of
22 information;

23 (3) any data breach or unauthorized use of the
24 automatic license plate reader system database;

25 (4) a list of audits completed by the department and
26 each law enforcement agency reporting to the department; and

27 (5) a summary of the information contained in the

1 reports submitted to the department under Subsection (e).

2 (g) Captured plate data is confidential and not subject to
3 disclosure under Chapter 552.

4 (h) Law enforcement personnel, as defined in Subsection
5 (d)(1), commits an offense if that person uses an image or any
6 related captured plate data produced by an automatic license plate
7 reader system for anything other than a valid law enforcement
8 purpose as listed in Subsection (b). An offense under this
9 subsection is a Class A misdemeanor.

10 (i) This act does not apply to cameras used to enforce a
11 civil penalty or traffic offenses nor does it restrict or prohibit
12 the use of a camera of any type, including those described in
13 Subsection (a), by any entity, including law enforcement, for the
14 investigation or enforcement of a civil action, civil penalty, a
15 civil traffic related offense or a criminal prosecution arising
16 from non-payment of a civil penalty or civil action.

17 SECTION 2. This Act takes effect September 1, 2015.